UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,113	12/17/1999	JAMES P. KETRENOS	ITL.0248US (P7373)	9791

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EXAMINER
MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eagle et al

(U.S. 5,838,916) and further in view of Domenikos (U.S. 5,838,916).

As per claims 1,8,17 Eagle disclosed a method comprising: receiving a request for a portion of a

file system by a client (col. 2, lines 61-63) identifying whether the portion is stored in a first

location associated with portions of the file system that have been previously stored by the client

(col.2, lines 36-64);

However Eagle did not disclose in detail determining whether the portion is stored in a second

location associated with portions of the file system that were streamed to the client by a server.

In the same field of endeavor Domenikos disclosed, "A step of storing the potions of the file

system according to a file or directory structure that is employed by the server. Accordingly, the

cache memory device cache information that is representatives of the files for executing the

application program, as well as the information representative of the directory structure

associated with these files (col. 4, lines 2-9).

It would have been obvious to one having ordinary skill in the art at the time of the invention

was made to have incorporated a step of storing the potions of the file system according to a file

or directory structure that is employed by the server. Accordingly, the cache memory device

cache information that is representatives of the files for executing the application program, as

well as the information representative of the directory structure associated with these files as

taught by Domenikos in the method and system of Eagle to provide a system for deploying

applications across the Internet that provides programs which execute quickly at remote sites.

4.   As per claim 2,15 Eagle-Domenikos disclosed further comprising retrieving the portion

from the server if not stored in the second location (Eagle, col. 7, lines 65-67 & col. 8, lines 1-4).

5.   As per claim 3,13 Eagle-Domenikos disclosed wherein identifying further comprises

associating portions of the file system used by the client during start-up with the first location

(Eagle, col. 7, lines 11-16).

6.   As per claims 4,14,19 Eagle-Domenikos disclosed wherein determining further

comprises associating the second location with portions of the file system that were streamed to

the client using a multicast operation (Eagle, col. 6, lines 54-66).

7.   As per claims 5,22,23 Eagle-Domenikos disclosed wherein associating further

comprises: monitoring accesses to a plurality of portions of the file system during start-up;

retrieving the plurality of portions from the file system; and storing the plurality of portions in

the first location (Eagle, col. 6, lines 54-66).

8.   As per claim 6,20,21 Eagle-Domenikos disclosed wherein associating further

comprises: retrieving a plurality of portions from the file system using multicasting; and storing

the plurality of portions in the second location (Eagle, col. 6, lines 54-66).

9.   As per claim 7,24 Eagle-Domenikos disclosed further comprising waiting for the

portion to be streamed to the client if not stored in the second location (Eagle, col. 6, lines 54-

66).

10.   As per claim 9 Eagle-Domenikos disclosed wherein the first location is a non-volatile

storage medium (Eagle, col. 3, lines 11-27).

11.   As per claim 10,18 Eagle-Domenikos disclosed wherein the non-volatile storage

medium is a flash memory device (Eagle, col. 3, lines 11-27).

12.   As per claim 11 Eagle-Domenikos disclosed wherein the second location is a volatile

storage medium (Eagle, col. 3, lines 11-27).

13.   As per claim 12 Eagle-Domenikos disclosed wherein the volatile storage medium is a

memory device (Eagle, col. 3, lines 11-27).

14.   As per claim 16 Eagle-Domenikos disclosed wherein the contents of the second
location are procured as a background operation (Eagle, col. 2, lines 57-64)

Response to Arguments

15.   Applicant's arguments filed 02/20/2008 have been fully considered but they are not

persuasive. Response to applicant's arguments is as follows.

A.   Applicant argued that prior art did not disclose, "The storing portions of the file system

that were streamed to the client by the server".

As to applicant's argument Domenikos disclosed, "A step of storing the potions of the file system

according to a file or directory structure that is employed by the server. Accordingly, the cache

memory device cache information that is representatives of the files for executing the application

program, as well as the information representative of the directory structure associated with these

files (col. 4, lines 2-9)". Domenikos also disclosed this application information file contains

information necessary for running the remote application on the client. For example, the

application information file can include the executable files (i.e. EXE files), initialization files

(i.e., INI files), system files (i.e. SYS files), directory structure information, and any other

information or configuration parameters that will identify the proper environment, for running

the application. A process operating on the client, appropriately configures the operating

environment to allow proper execution of the application program (col. 9, lines 61-67).

Conclusion

16.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

17.   Any inquiry concerning this communication or earlier communication from the examiner

should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

18.   The examiner can normally be reached on Monday to Friday during normal business

hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-

746-7239. The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

19.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for un published

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

/A. M. M./

Examiner, Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145